

### REMARKS

Claims 9-39 are pending in this application, with claims 9, 18, 19, 28 and 33 being independent. All of the claims have been amended to correct grammatical errors.

Applicant acknowledges with appreciation the Examiner's allowance of claims 28, 32-34, 38 and 39.

Claims 9 and its dependent claims 10-17, 29 and 35 have been rejected for double patenting over claim 8 of allowed U.S. Pub 2002/0006705 ("the '282 application). Applicant requests reconsideration and withdrawal of this rejection because, as acknowledged by the Examiner, claim 8 of the '282 application does not describe or suggest forming a high concentration impurity region and a low concentration impurity region in the manner recited in claim 9. Though the Examiner indicates that this is taught in paragraph 40 of the '282 application, the Examiner may not properly turn to the text of the '282 application when making a double patenting rejection. Claim 8 of the '282 application also fails to describe or suggest the first second and third widths recited in claim 9.

The rejection indicates that claims 10-17, 29 and 35 contain no allowable subject matter as a result of the features of those claims allegedly being discussed in the specification of the '282 application. Once again, the Examiner may not properly turn to the text of the '282 application when making a double patenting rejection.

For the reasons noted above, applicant requests reconsideration and withdrawal of the rejection of claims 9-17, 29 and 35.

Claims 18 and 19 and their dependent claims 20-27, 30, 31, 36 and 37 have been rejected for double patenting over claim 10 of allowed U.S. Pub 2002/0016028, now U.S. Patent 6,596,571 ("the '571 patent). Applicant requests reconsideration and withdrawal of this rejection because claim 10 of the '571 patent does not describe or suggest forming a third electrode in the manner recited in claims 18 and 19.

The rejection indicates that claims 20-27, 30, 31, 36 and 37 as a result of the features of those claims allegedly being discussed in the specification of the '571 patent. As previously

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noted, the Examiner may not properly turn to the text of the '571 patent when making a double patenting rejection.

For the reasons noted above, applicant requests reconsideration and withdrawal of the rejection of claims 18-27, 30, 31, 36 and 37.

Enclosed is a \$110 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 10/3/03

  
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